

land, that subcommittee has very wisely suggested that there be a new rule and that there be a joint committee of ethics, and who shall be on this joint committee of ethics? Why the members of the General Assembly, of course, and who shall decide what is ethical and unethical? The members of the General Assembly.

I submit to you this is not a very effective method of policing conflict of interest. As a matter of fact, this very approach was roundly criticized in an issue of the Harvard Law Review where it was pointed out by the author that just as criminal provisions to check the legislature placed the initiative in the hands of the executive and the remedy in those of the judiciary, the implementing mechanism of the code of ethics should be outside the legislature. This is precisely what the Maryland legislature will not do if it follows the recommendations of a special subcommittee.

Now, ladies and gentlemen, I think that a code of ethics and a regulation of conflict of interest is in the best interest of the people of Maryland, and I submit to you that you can put into the constitution language which will be effective. I do admit, as a strictly legal matter, that nobody can mandamus the General Assembly to pass such legislation, but I submit that no General Assembly is going to sit idly by and pay no attention to a mandate of the Constitutional Convention, particularly when we have in this body messengers who will go back to the General Assembly where they served as senators and delegates and tell them what the wishes of this Convention were as indeed I am sure they will. I would urge you therefore to oppose this amendment. It seems to me if there is anybody in the State of Maryland that can bring about some action on the part of the legislature which is meaningful, it is this Constitutional Convention. To say that you do not like it, to say that there should be a stronger method of handling the matter, is not to address yourself to the problem. Somebody must do it, and we are the best designed body to accomplish it. I would urge you therefore to defeat the amendment.

THE CHAIRMAN: Is there any further discussion? Does any delegate desire to speak in favor?

*(There was no response.)*

Does any delegate desire to speak in opposition?

Delegate Pascal.

DELEGATE PASCAL: Just briefly, Mr. Chairman and fellow delegates, to reiterate what Chairman Gallagher said, there were twenty-seven bills defeated in the last four years. The last one passed the Senate without one dissenting vote and never got out of committee in the House. I say this legislative counsel is taking up conflict of interest programs, and I think this Convention prompted that action. We had a number of their leadership in front of our committees, and they realized that we were serious on it, and I think they took it up with the idea of inflating our sales. The attitude of this Convention is not again a disrespect for the General Assembly. On the contrary, we tightened our referendum requirements, we have increased the salary, we have defeated provisions for initiative, and I think we have got faith in the General Assembly. However, I do not think the general public has, and I am not here to pontificate and try to determine why, but it has been a long time in their views, when people get involved in state government they no longer have principle, they are now crooks, and I do not know whether conflict of interest legislation is going to help or not, but I think it is a step forward. I do not think a good constitution or anything will make a bit of difference to state government if we do not attract the most qualified people in the government and the state legislature would be the most dignified office that one could hold. I think this is going to be the secret of good government in the State.

Are you ready for the question?

*(Call for the question.)*

THE CHAIRMAN: The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 24 to Committee Recommendation LB-2. A vote Aye is a vote in favor of Amendment No. 24. A vote No is a vote against. Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 50 votes in the affirmative and 61 in the negative, the motion is lost. The amendment is rejected.

We come now to a consideration of section 3.01a. Are there any amendments to section 3.01a.

Delegate Dukes.